

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Local Number Portability Porting Interval and)	WC Docket No. 07-244
Validation Requirements)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Embarq Petition for Waiver of Deadline)	

ORDER

Adopted: February 5, 2008

Released: February 5, 2008

By the Commission:

I. INTRODUCTION

1. By this order, we grant a request from Embarq to waive until September 30, 2008, the deadline to comply with the Commission's declaratory ruling that the validation process for local number portability (LNP) requests should be based on no more than four fields.¹ We also waive the same deadline, on our own motion, for all other affected companies until July 31, 2008.

II. BACKGROUND

2. On December 20, 2006, T-Mobile USA, Inc. and Sprint Nextel Corporation (Petitioners) filed a petition for declaratory ruling requesting that the Commission clarify that carriers obligated to provide LNP may not obstruct or delay the porting process by demanding information from requesting carriers beyond that required to validate the customer request.² To improve the validation process, the Petitioners recommended validating port requests using just four data fields: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code (if applicable).³ On November 8, 2007, we provided the requested clarification and concluded that LNP validation should be based on no more than the four recommended fields for all simple ports, regardless of the context (*i.e.*, wireline-to-wireline, wireless-to-wireless, and intermodal ports).⁴ We further concluded that 90 days was sufficient time for affected entities to comply with the LNP validation requirements.⁵

¹ Embarq Petition for Waiver of Deadline, WC Docket No. 07-244, CC Docket No. 95-116 (filed Jan. 11, 2008) (Embarq Petition).

² Petition for Declaratory Rulemaking filed by T-Mobile USA, Inc. and Sprint Nextel Corporation, CC Docket No. 95-116 (filed Dec. 20, 2006) (T-Mobile/Sprint Nextel Petition).

³ See T-Mobile/Sprint Nextel Petition at 7.

⁴ See *Telephone Number Requirements for IP-Enabled Services Providers; Local Number Portability Porting Interval and Validation Requirements; IP-Enabled Services; Telephone Number Portability; Numbering Resource Optimization*, WC Docket Nos. 07-243, 07-244, 04-36, CC Docket Nos. 95-116, 99-200, Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking, 22 FCC Rcd 19531 (2007) (*Declaratory Ruling*). As the Commission previously has explained, simple ports are those ports that: (1) do not involve unbundled network elements; (2) involve an account only for a single line; (3) do not include complex

3. On January 11, 2008, Embarq filed a petition asking the Commission to waive the February 6, 2008 deadline for meeting the LNP validation requirements until it implements a new ordering system. Embarq expects the new system to be in place by the end of September 2008.⁶ In support of its request, Embarq explains that it is in the process of replacing three ordering systems with a single system,⁷ which is being designed to comply with the four-field validation requirement.⁸ Embarq argues that substantial work would be needed to modify its current system, that the change to the current system would be duplicative of the features of the new system, and that the costs to bring the current system into compliance are greater than the costs to include the requirement into the new system.⁹ Embarq states that it is fully willing to set up a dedicated process during the term of the waiver to provide expedited handling of LNP requests that may not have all the information needed by Embarq's current system.¹⁰

4. On January 30, 2008, the United States Telecom Association (USTelecom) and the Independent Telephone and Telecommunications Alliance (ITTA) filed comments in support of Embarq's request.¹¹ ITTA concludes that administrative efficiency and the public interest support the granting of Embarq's request for limited waiver.¹² USTelecom further suggests that the Commission grant all carriers subject to the *Declaratory Ruling* a waiver of that compliance deadline to July 31, 2008. USTelecom contends that the industry cannot implement the *Declaratory Ruling*'s compliance obligations by the current deadline of February 6, 2008 without risking harm to consumers.¹³ In particular, USTelecom argues that carriers' individual compliance with the *Declaratory Ruling* is insufficient to ensure port requests are effected without service disruption because the LNP process necessarily requires coordination and communication between the porting carriers, including coordinating and communicating any changes to these processes.¹⁴ USTelecom further contends that the changes in the LNP validation processes prescribed in the *Declaratory Ruling* cannot be implemented within the 90-day time frame without impairing carriers' ability to satisfy the underlying purposes of other regulatory obligations or internal procedures intended to ensure orderly changes to the ordering processes.¹⁵

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switch translations (e.g., Centrex, ISDN, AIN services, remote call forwarding, or multiple services on the loop); and (4) do not include a reseller. See, e.g., *Intermodal Number Portability FNPRM*, 18 FCC Rcd at 23715, para. 45 n.112 (citing North American Numbering Council Local Number Portability Administration Working Group Third Report on Wireless Wireline Integration, Sept. 30, 2000, CC Docket No. 95-116 (filed Nov. 29, 2000)).

⁵ *Declaratory Ruling*, 22 FCC Rcd at 19557, para. 48.

⁶ Embarq Petition at 1.

⁷ *Id.* at 4.

⁸ *Id.* at 5.

⁹ *Id.* at 3.

¹⁰ *Id.* at 7.

¹¹ Comments of the United States Telecom Association, WC Docket No. 07-244, CC Docket No. 95-116 (filed Jan. 30, 2008) (USTelecom Comments); Comments of the Independent Telephone and Telecommunications Alliance, WC Docket No. 07-244, CC Docket No. 95-116 (filed Jan. 30, 2008) (ITTA Comments).

¹² ITTA Comments at 2.

¹³ *Id.* at 4-7.

¹⁴ *Id.*

¹⁵ *Id.* at 5.

III. DISCUSSION

5. The Commission may waive its rules for good cause shown.¹⁶ A rule may be waived where the particular facts make strict compliance inconsistent with the public interest.¹⁷ In making this determination, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁸

6. We find good cause to grant Embarq a waiver of the LNP implementation deadline until September 30, 2008. Embarq's new ordering system will provide many benefits and greater efficiency for Embarq's customers, and we agree with Embarq that requiring it simultaneously to upgrade its current system while it deploys its new, compliant system would be needlessly duplicative and costly. We rely on Embarq's statement that it will "set up a dedicated process during the waiver period to provide expedited handling of LNP requests that may not have all information needed for validation under current business rules."¹⁹

7. In addition, we find that good cause exists to grant, on our own motion, all other entities subject to the *Declaratory Ruling* a waiver of that compliance deadline to July 31, 2008. As USTelecom notes in its comments, deferring the current deadline for compliance with the *Declaratory Ruling*'s validation requirements will serve the interests of customers seeking to port their numbers. We agree with USTelecom that unless validation is performed correctly to assure that numbers being "ported out" are in fact those for which requests have been submitted to the current provider, there is a significant risk that the incorrect customer's number may be ported, resulting in inadvertent disconnection of that subscriber. We further agree with USTelecom that this potential problem, with its attendant confusion and inconvenience to affected customers, can be ameliorated by allowing entities subject to the *Declaratory Ruling* additional time to implement and coordinate new validation obligations. We therefore grant all affected entities additional time to implement the *Declaratory Ruling* in a manner that allows for an orderly transition to these requirements.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to authority contained in sections 1, 4(i), 4(j), 251 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 251, 303(r) and section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, the request of Embarq for a waiver of the deadline for compliance with the LNP validation requirements until September 30, 2008 IS GRANTED as described above.

¹⁶ 47 C.F.R. § 1.3; see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972).

¹⁷ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁸ *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular Tel.*, 897 F.2d at 1166.

¹⁹ Embarq Petition at 7.

9. IT IS FURTHER ORDERED, on the Commission's own motion, that the deadline for compliance with the LNP validation requirements is hereby waived for all other affected companies until July 31, 2008 as described above.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary